

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

**Order of Continuance**

STEVEN GALLAGHER,

**21 Mag. 10220**

*Defendant.*

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Upon the application of the United States of America and the affirmation of Daniel Tracer, Assistant United States Attorney for the Southern District of New York, it is found that the defendant was charged with violations of Title 15, United States Code, Sections 78i(a)(2), 78j(b), and 78ff; Title 17, Code of Federal Regulations, Section 204.10b-5; and Title 18, United States Code, Sections 1343 and 2, in a complaint dated October 25, 2021, and was arrested on October 26, 2021;

It is further found that the defendant was presented before Magistrate Judge Sarah L. Cave on November 5, 2021, and was ordered released on bail conditions;

It is further found that Eric Rosen, Esq., counsel for defendant, and Assistant United States Attorneys Richard Cooper, Allison Nichols, and Daniel Tracer have been engaged in, and are continuing, discussions concerning a possible disposition of this case;

It is further found that the Government has requested a continuance of 14 days to engage in further discussions with counsel about the disposition of this case and that the defendant, through counsel, has consented that such a continuance may be granted for that purpose and has specifically waived his right to be charged in an indictment or information for an additional 14 days; and

It is further found that the granting of such a continuance best serves the ends of justice and outweighs the best interests of the public and the defendant in a speedy trial; and therefore it is

ORDERED that the request for a continuance pursuant to 18 U.S.C. §3161(h)(7)(A) is hereby granted until February 18, 2022, and that a copy of this Order and the affirmation of Assistant United States Attorney Daniel Tracer be served by mail on this date on counsel for the defendant by the United States Attorney's Office.

Dated: New York, New York  
February 4, 2022

A handwritten signature in blue ink, appearing to read "Stuart J. Aaron".

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UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

v.

**Affirmation in Support of  
Application for Order of Continuance**

STEVEN GALLAGHER,

**21 Mag. 10220**

*Defendant.*

-----X

State of New York )  
County of New York : ss.:  
Southern District of New York )

Daniel Tracer, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which an indictment or information would otherwise have to be filed, pursuant to 18 U.S.C. §3161(h)(7)(A).

2. The defendant was charged in a complaint dated October 25, 2021, with violations of Title 15, United States Code, Sections 78i(a)(2), 78j(b) and 78ff; Title 17, Code of Federal Regulations, Section 204.10b-5; and Title 18, United States Code, Sections 1343, and 2. The defendant was arrested on October 26, 2021, and was initially presented that day in the district of arrest, the Northern District of Ohio. Subsequently, on November 5, 2021, the defendant was presented in the Southern District of New York before Magistrate Judge Sarah L. Cave. The defendant was represented by Eric Rosen, Esq. and ordered released on conditions including, among other things, a \$1 million personal recognizance bond secured by \$500,000 in cash or

property, travel restricted to the Southern and Eastern Districts of New York, the Northern District of Ohio, the Eastern District of Michigan, and points in between for travel, surrender of travel documents and no new applications, and Pretrial Services supervision as directed.

3. At the initial presentment in the Southern District of New York, defense counsel consented to a waiver of his client's right pursuant to Rule 5.1 of the Federal Rules of Criminal Procedure to a preliminary hearing within 21 days of the initial appearance. Accordingly, under the Speedy Trial Act the Government initially had until December 6, 2021 within which to file an indictment or information. On or about December 6, 2021, this Court extended the time in which the Government had to file an indictment or information to January 5, 2022. On or about January 5, 2022, this Court extended the time in which the Government had to file an indictment or information to February 4, 2022.

4. Defense counsel and counsel for the Government, Richard Cooper, Allison Nichols, and Daniel Tracer have had discussions regarding a possible disposition of this case, continuing as recently as January 28, 2022. The negotiations have not been completed and we plan to continue our discussions, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on February 4, 2022.

5. Therefore, the Government is requesting a 14-day continuance until February 18, 2022, to continue the foregoing discussions and potentially reach a disposition of this matter. On January 28, 2022, I contacted defense counsel who specifically consented to this request. This request has been approved by a deputy chief of the criminal division.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York  
February 3, 2022

/s/ Daniel Tracer  
Daniel Tracer  
Assistant United States Attorney  
Tel.: (212) 637-2329